

IN THE UNITED STATES District
Court for the Middle District of
Alabama Eastern Division
RECEIVED

MARVIN THOMPSON

2006 APR 18 A 9:46

Amended Complaint

Plaintiff,

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

v.

3:06CV 160-WKW

STEVEN WOOD Lieutenant and
Larry Clark officer

. DEFENDANTS. AND ETAL Defendants Chief of Police

RON DOZIMO and the Chief of Police HANNAH officially.

It comes now that the Plaintiff: MARVIN Thompson,
Does in good faith, without malicious, + evilous intent
Attempt to respond to the order of this Most Honorable
Court.

* question D: Thompson does not indicate the capacity
in which each named defendant is being sued.

Answer: Lt Steven wood and officer Larry Clark are
being sued, in their official and private capacities.

Supporting Reasons/Facts - Violation the IV, V, VI VIII and XIVth
amendment rights under the Constitution of the U.S.O.A.
While being approached for a routine traffic patrol/stop
for being unlawfully parked does warrant a minor
offence, a request for Identification, i.e. drivers license
proof of insurance + registration was all that was lawfully required.
yet the defendants never requested those items, but instead
Jumped out of their patrol car, guns unholstered and drawn aimed
at the Plaintiff and another individual, instructing us to place
our hands where they could see them and told "not to move".
When the Plaintiff responded After obeying these instructions why have
you jumped out on us with your guns drawn, we aint done nothing
wrong. Lt wood reply was yes you have, you're parked here
illegally on the wrong side of the road facing the wrong
direction. Cont. li

Write me a ticket then come give me a warning and let me go, but its not respecting to jump out with your guns like that, drawn. Lt Woods and officer Clark were just gonna wait for the Drug Dog.

Herein lies the main body of the IV, V, VI, VIII, XVII Amendment constitutional rights violations for 11/17/05 because The plaintiff had given Lt Steven wood and officer Larry Clark No probable Cause for any detainer/seizure of Plaintiff person or vehicle, passenger or codefendant, to include No probable Cause for Search of Plaintiff or passenger to include vehicle or contents thereof. Plaintiff never was required to provide his drivers license or proof of insurance to Lt Steven wood or officer Clark these items were never requested, therefore the purpose for the initial Stop became of none effect and any acts of detainer/seizure or Search became unlawful on its face. ① Plaintiff was Terry Searched without first being asked for Driver's license and Proof of Insurance for the violation of parking illegally. ② Plaintiff was told that he was being held for the drug dogs to arrive unlawfully when plaintiff had not been found to be in possession of any drugs or illegal items. ③ The drug dog never arrived throughout the entire period while Plaintiff was being detained. ④ Plaintiff's Passenger/Fiancee was being badgered by Lt Woods and threatened with arrest being told to exit the vehicle when passenger was not in violation of any law. Neither did he recognize Passenger as being a prior law violator. ⑤ Plaintiff was Placed under arrest by Lt wood for informing passenger of her rights when she was asked to exit the vehicle and was Confused about what to do, and Plaintiff Stated you don't have to get out if you don't want to. Plaintiff never in any way observed the acts or ability of Lt. Steven wood, yet, plaintiff was placed under arrest for obstruction of governmental operation an unlawful arrest, never did I exert my control physically or verbally over the passenger or

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Lt Steven Wood and with 3 witnesses present and a patrol vehicle videotape that will prove I never approached Lt Steven Wood. Defendant will request the videotape later during discovery.

While officer Larry Clark seemingly played a minimum role in the Plaintiff's complaint, he played a major role in his failure to consult his Superior officer concerning these violative acts and he equally acted in violation of the same Constitutional rights violations when he aided his Superior officer in seizing me unlawfully, harassing me and my passenger without due process of law, not informing his Superior officer Lt Steven Wood that I had requested that my fiance be allowed to take my vehicle a 1995 Pontiac Grand Prix Home whereby preventing plaintiff from having to prepay fees for towing and storage, this seizure of my vehicle occurred after the supposed inventory search of my vehicle which was and is to be a main issue in the unlawful search of my vehicle.

The Plaintiff now states that one phase of his claim for Racial Profiling and Stereotyping supports his allegations, but is not the sum total therefore Plaintiff prays that this Court will consider these issues bearing in mind that through additional discovery from statements of not only private citizens but City officials and their sworn testimony under oath, and that this allegation should this Most Honorable Court allow result in a class action suit for this particular allegation against Lt Steven Wood and officer Larry Clark.

Plaintiff was racially profiled and stereotyped partially due to the racially biased mindset of these two officers. Plaintiff had never had any previous confrontations with Lt Steven Wood and officer Larry Clark. On the night of Nov 17th⁰⁵ while patrolling in a primarily African American community they observe a vehicle supposedly parked unlawfully.

cont

They - Lt Wood and Officer Clark Exits Their patrol vehicle, They see ③ african americans ① inside the vehicle ② standing outside the vehicle. Nobody moves nobody runs, yet Lt Wood and officer Clark Exit their patrol vehicle guns unholstered and drawn aimed directly at the two individuals, the Plaintiff and the other individual, they yell dont move put your hands where we can see them; "our hands were already where they could see them" after not even asking why we were there, we were presumed to have drugs and, by being parked on the side of the roadway very near the house of a relative of the Plaintiff, accused of being parked illegally without even being given an opportunity to move the vehicle or be written a citation and allowed to leave. on this and numerous other occasions these ② officers have harassed and made unwarranted traffic stops to include Cited and arrested Plaintiff and other african Americans in this Community and other areas of the city of lanett and by and through their racially biased and stereotypical behavior has also, violated the (XIV) amendment rights of the Plaintiff and all other persons similarly situated and treated. Lt Woods in a legal transcript of proceedings for a preliminary hearing about the Plaintiff's Charges, Stemming from this violate behavior, Stated when asked were they (the plaintiff and Ernest Lyman; codefendant) - committing any crime? Lt Woods, response they were just parked illegally in the roadway. by his own admission Lt Steven Wood Stated that plaintiff, Ernest Lyman and Plaintiff's fiance were parked illegally in the roadway. Not once but twice in the transcript Lt Steven woods stated they were just parked illegally in the roadway. Now when asked by Ernest Lyman - codefendant's attorney JIM INGRAM if there were two people talking on cherry drive outside on the wrong side of the roadway would you do the same thing. Lt Steven Wood replied I don't know, the area asked about or referred to by Attorney Ingram was the Business District of Cherry Drive, per inquiry from him, this is a mostly owned/operated, European area of the City - Lt Steven wood states in this same transcript that the area of the incident is a well known drug area, trying to justify his behavior, but when Attorney Ingram - Contr-

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Stated that all of Lanett is a well known drug area Lt Steven Wood, agrees in the Affirmative by stating "I would agree with that, the Plaintiff has spoken with other complainants all of African American descent and they are willing to and ready to come forward concerning the violations of these same or similar Constitutional rights violations, which will bolster this Complaint along with several discovery requests that Plaintiff will submit. Within this March 28, 2006 Order a reference is made to the extent that "some unlearned laymen are tempted to seize the privilege as a license for limitless or misguided forays into federal court with bootless claims and grievances, unresolved in other forums or for which there simply is no remedy" The Plaintiff has attempted to briefly explain his Complaint stating dates and events individual violators, and their position and parts played in his initial Complaint, the attorney for the defendants has attempted to thwart this unlearned laymans attempt by citing rules that were to the best of Plaintiff's ability at that time complied with according to the requests of the Complaint, the Plaintiff has now more fully explained and without access to schools, lawyers or books attempted to comply with this most honorable Courts request he prays that he would be allowed to proceed in good faith the plaintiff has filed a Complaint with the investigator Lt Carter of the Lanett P.D. and has submitted a copy of his Complaint issues, along with explanation of costs and injuries all to no avail, this Complaint is submitted in good faith, in that Plaintiff would be disallowed access to the local Civil level Complaint for failure to be able to prepay a Filing Fee in the ^{hundreds} of Dollars. There is a willful, knowing, malicious intent and a common mind should have known better. Plaintiff seeks relief based upon defendants acts and omissions stated in detail herein, The qualified immunities of an official is removed when it is established that a willful, knowing intent occurs against a person and when that person or persons Constitutional rights are infringed upon thereby. there are other higher ranking and lower ranking employees of the City that Plaintiff wishes to add later as STALDER

Plaintiff -

(CONT. 6 OF 6)

Martin Thompson

-V-

Lt. Steven Wood and
Officer Larry Clark.

Further Comes That on or about (February 3rd 2006) at approx. 9:00 pm at 16th Ct SW/24th St SW The same two LaneTT Police officers did violate Plaintiffs IV, V, VI, VIII and XIV Section (1) amendment rights under the Constitution and did by defendants deliberate, willful, knowing malicious acts and omissions named within this Amended response, (10) pages plus summary acts that Supervisor or high ranking officer especially should have known and been especially trained to comply with or not commit to include training every officer receives at the Academy - on this date Lieutenant Steven Wood and Officer Larry Clark did stop Plaintiff (Feb 3rd 2006) when I made a turn off of a side street into a private drive, after asking me for my drivers license and proof of insurance; I asked Lt Wood "Why did you stop me" he said for failure to use your turn signal I said "I did use it" (he said well your bulb must be blown) I asked him "Can I see it" he said no, Step out of the vehicle I'm going to search you for weapons (I did as asked, he found none) he then searched the rear of the vehicle and empty my pockets I asked him "What was in my pockets at this point, Lt Steven Wood said "Nothing" and law he didn't ask me to "show him my equipment Malfunctions; Citing Item received by plaintiff it states (Para- may repair the defective equipment

...action out had a motive to
...to include humiliation and retaliation against
Plaintiff for violating Plaintiffs rights on 11/17/06, Defendant
was clearly shaken by attorneys for plaintiff and co-defendant
at the Preliminary hearing on Jan. 6, 2006, Defendant had Motive.

There also was an eye witness that saw me put my signal on and the light blink inside the car and, who will testify under oath, and I have a sworn statement by my fiance attesting to the same. but the Lt. was attempting and did unlawfully search and seize my vehicle and person without Probable Cause or warrant or permission on Feb. 3, 2006 and also again sub Test plaintiff to cruel and unusual Punishment, and Plaintiff's passenger was also again searched this time by officer Larry Clark without cause made to exit the vehicle and treated very unprofessional. after being detained Lt Wood knowing that my drivers license was valid seeing that my insurance was up to date still felt compelled to call in my drivers license to be checked when he returned to where officer Larry Clark and I were at the rear of my vehicle he informed me to put my hands behind my back and that I was under arrest I responded for what, Lt Wood stated for FTA for district court, I stated for what Lt Wood stated for failure to appear for that ticket I wrote that night I stopped you up there referring to the 16CT area where I and Ernest Lyman were arrested a couple of weeks or so ago. I (Plaintiff) stated you didn't write me a ticket that night, I asked you the first thing when you jumped out on me with your guns drawn, "isn't that a ticketing offence" and your reply para was, "were gonna wait for the drug dog to come". Lt Wood said yes I did write you a ticket you signed it. So I immediately shut up, he then asked me, can I search your vehicle? I said, for what I haven't done anything for you to search my vehicle for (No ^{issue} consent) he then handcuffed me tight and told another officer that had walked up, to put me in his patrol vehicle. He told the officer to double lock the cuffs officer Larry Clark was told by Lt Steven Wood to get Mrs Lynch out of the car and search her, he did. prior to taking me to the car the other officer tried to double lock both cuffs but the one on the left side was put on upside down he couldn't double lock it and before

resituate himself to go. Lt Wood told him just put him in the car so he did; while in pain from the hand cuffs, because both were hurting my wrists. while being cuffed behind my back in the back of the police car, I observed Lt Steven Wood and officer Larry Clark Physically Search my car trunk and every item I had in my vehicle, (unlawful Search and detainer) Lt Steven wood and officer Larry Clark, Subjected, Plaintiff to embarrassment, injury, unlawful arrest, unlawful detainer, cruel and unusual punishment, deprivation of life liberty, property with out due process or equal protection under the law. Plaintiff (I) was subjected not only to the unlawful Search but also made to sit in the rear of the police vehicle and watch these officers Physically go through Several Personal Items belonging to plaintiff and his fiance laughing and smiling at one another showing the items to each other as they searched my trunk. Steven wood and officer Clark not only violated my Constitutional rights but my rights as a tax paying Citizen, of the U.S. it took them at least 35-45 min if not longer to Completely Search my vehicle because it was gone through with a (fine tooth comb) so to speak. all the while Subjecting, Plaintiff to the excruciating pain of the hand cuffs sitting basically on my hands and wrists at 235 Plus pounds with no room for Movement or adjustment, The Main offence being that there were at least 4 officers present I was under arrest (all be it wrongfully) I could have been taken to the police station Several minutes before I was, possibly avoiding injury to me. Never the less I was made to sit the entire time, at a hearing distance of me crying out in pain. The cuff on my left hand had tightened my hands were aching and tingling painfully no one ever came over check on me at all. the drivers Seat seemed to be back so far as to only allow me Room

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to get in. After the search of my vehicle, Lt Steven Wood and Officer Larry Clark left my vehicle in disarray tore up my dash area and vent's cover for the electrical area below and damaged my trunk lock. Lt Woods then gave the keys to my vehicle to my fiance and let her left in my vehicle, both times my vehicle was searched unlawfully yet this time my fiance was allowed to take my vehicle instead of it being impounded there was no reason legally justified for the search no plain view violation no weapons drugs or any other probable cause, plus I gave no consent, incident to arrest applies for inventory purposes yet there was no inventory done there were several witnesses present that will testify to that. After the officer returned to the patrol car I was moaning in pain wrists swollen hurting I informed the officer about the hand cuffs and he said you'll have to wait till we get to the station, further subjecting me to more pain (by the time I was tossed left and right forward and backward my wrists hands arms and fingers were all aching when the officer (now nameless) got me to the Police Station I was in tears when he opened the door he wouldn't even assist me getting out and when I finally scooted out another officer had walked up I asked them both can you please loosen these hand cuffs they both said we'll will when we get you inside they escorted me inside the door, right inside the door they proceeded to uncuff me but they couldn't because the handcuffs were twisted and one the one on my left hand was upside down, (meaning the unlock mechanism was on the bottom) they both tried and eventually got the cuffs off and recuffed me in the front through out the booking process and when they drove me to the County Jail about 30 minutes later.

-CONT-(Summary)

(Summary)

Plaintiff Does now Certify by his Signature sworn to under penalty of Perjury that all the Statements contained within this response are true, to the best of his Knowledge, information and belief.

Grounds: Revisited Condensed - the defendants named Lt Steven wood, officer Larry Clark did violate several of plaintiffs Constitutionally protected rights, and by assuming that because a person is presumed guilty of a crime by virtue of their opinion, established by the authority vested in them to charge the Plaintiff a citizen of the United States, with an offense; by no means gives them the authority to overlook or otherwise disregard that Plaintiffs federally protected remaining rights under the Constitution especially when, neglect, willful, knowing, malicious intent, are clear and deliberate, no mistake of facts or Jurisdiction exist here in this complaint, no retaliation or attempt to cause defendants undue attorneys fees and cost exist from the mind of the Plaintiff, every act and omission here has now been totally explained and carefully remembered it takes no Malice to remember the truth, while good intentions may appear to be plaintiffs motivation he assures all concerned that Justice for wrongs implemented and acts omitted are the sum bonum of this cause, it is my right, it is my privilege to pursue redress of grievance's for these wrongs done; Plaintiff Prays this most honorable court will allow him the opportunity, and permits discovery requests ASAP.

What's Sought - Plaintiff has lost not (1) but (2) Jobs Plaintiff was gainfully employed as a truck Driver for MBM Food Service Distributors of Lagrange GA, he was an employee in good standing's earning a yearly salary that totaled over (40) Plus Thousand

dollars a year. on the night of November 17th 2006 The Plaintiff's Means of Support for himself and his family came to an end because of defendant's ~~to~~ Steven Wood and Officer Larry Clark, employee's for the City of Lanett Police dept. Plaintiff seeks relief in the sum of \$180,000 dollars Plaintiff arrived at this number by adding up the time it will take him to get back from his present state to his gainful employment state at the status he had prior to his present state. That's 4 years. Short 1 month 13 days in Nov and Dec Not included. This Amendment requests that Chief of Police Ken Corino and the City of Lanett be included as ETAL Plaintiff seeks Relief in the form of reprimand and should the City Council for the City of Lanett see fit termination for violations of plaintiff's Constitutional rights for Amendments named in this response.

for violations on February 3rd 2006
Plaintiff seeks Relief for the sum of \$500,000.00 for the injury to his hand causing nerve damage to his hand and fingers (Punitive Damages.) and (Compensatory damages) for the sum of - \$130,000.00 for Constitutional rights violations named herein and for Damage to Plaintiff's vehicle. Also an additional \$10,000.00 for Medical Expenses and loss of job as employee for West Point Steven's Job loss due to injury. Plaintiff requests that any additional relief either punitive or compensatory that a Judge or Jury sees fit to assess against these plaintiffs be held and contributed to the not Norman Center for Youth Services.

Plaintiff Requests that this Court consider that these amounts are reasonable and that the City of Lanett AND its Chief are bonded and insured and more than able to compensate Plaintiff for his losses and Pains suffering due to their actions

In The United States District Court
For The MIDDLE District of ALABAMA
EASTERN Division

Marvin Thompson

Plaintiff

Certificate of Service

-v-

Defendant: Steven Wood
Officer: Larry Clark and
Chief of police Ron Gozino
and the City of Lorett, ETAL
Defendants.

3:06-cv-00160-WKW

the plaintiff does certify that the information
contained herein the divorce complaint is being
sent by U.S. Postal Mail to be filed by The
U.S. District Court Clerk. And that the information
contained is given by plaintiff to the best of his
knowledge information and belief.

Done this

16th Day of
April 2006

Signed Marvin Thompson.